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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,829	02/20/2002	Katsunobu Hayashi	P13205	7831
40401 7590 03/18/2008 Hershkovitz & Associates, LLC 2845 Duke Street Alexandria, VA 22314				
EXAMINER				
CHEUNG, MARY DA ZHI WANG				
ART UNIT		PAPER NUMBER		
3694				
NOTIFICATION DATE		DELIVERY MODE		
03/18/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@hershkovitz.net
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Office Action Summary**Application No.**

09/683,829

Applicant(s)

HAYASHI, KATSUNOBU

Examiner

MARY CHEUNG

Art Unit

3694

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of the Claims

1. This action is in response to the amendment filed on December 6, 2007. Claims 1-20 are pending. Claims 1, 9 and 13-20 are amended. All the pending claims are examined.

Response to Arguments

2. Applicant's arguments filed December 6, 2007 have been fully considered but they are not persuasive.

In response to the applicant's request of withdrawal or 112 2nd paragraph rejection, examiner believes that it is not clear what "predetermined first condition", "predetermined second condition", "first condition", and "second condition" refer to. In addition, it is not clear if the "predetermined first condition" recited in the independent claims is the same as the "first condition" recited in the dependent claims, and the "predetermined second condition" recited in the independent claims is the same as the "second condition" recited in the dependent claims; thus, the rejection sustains.

In response to the applicant's arguments that Whitworth fails to teach "calculating a probability, in which a part of said plurality of said risk factors satisfy a predetermined first condition, and a probability, in which remaining said plurality of said risk factors satisfy a predetermined second condition using said database", examiner respectfully disagrees. First, as discussed in the 112 2nd paragraph rejections, it is not clear what the "predetermined first condition" and "predetermined second condition" refer to. Secondly, Whitworth teaches pricing the insurance based on two types of analysis,

which are the grouping and regression. Grouping calculation is based on the condition that the data profiles already existed in the database, and Regression calculation is based on the remaining condition, which is no data profiles existed in the database (column 12 lines 6-58). Examiner believes that the grouping analysis and the regression analyze disclosed in Whitworth satisfies the claimed limitations.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claims 1-20, the applicant uses the phrases "predetermined first condition", "predetermined second condition", "first condition", and "second condition". It is not clear what are those conditions refer to. Furthermore, it is not clear if the "predetermined first condition" recited in the independent claims is the same as the "first condition" recited in the dependent claims, and the "predetermined second condition" recited in the independent claims is the same as the "second condition" recited in the dependent claims.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by (US 6,009,402) Whitworth.

The claims have been rejected to the best of the Examiner's ability considering the condition of the claims.

Claims 1, 9, 17-19 and 20. Whitworth discloses, A compensation contract supporting system that supports a compensation contract which provides a customer compensation for a profit risk created by a plurality of risk factors that influence a profit of said customer, comprising: a database for storing statistical data of said plurality of risk factors; a first probability calculation unit for calculating a probability, in which a part of said plurality of said risk factors satisfy a predetermined first condition, and a probability, in which remaining said plurality of said risk factors satisfy a predetermined second condition using said database, and at least one of said first condition and said second condition being an non-financial condition that is not related to a financial product (col. 12, lines 6-58); and a ratio calculation unit for calculating a ratio between a first compensation amount to be paid or received by said customer when said part of said risk factors satisfy said first condition and a second compensation amount to be paid or received by said customer when said remaining risk factors satisfy said second condition using said probability calculated by said first probability calculation unit (col. 11, lines 6-67).

Claims 2 and 10. A compensation contract supporting system, wherein said first compensation amount is an amount to be paid to said customer when said part of said

risk factors satisfy said first condition, and said second compensation amount is an amount to be received from said customer when said remaining risk factors satisfy said second condition (col. 14, lines 45-59).

Claims 3 and 11. A compensation contract supporting, further comprising: a correlation calculation unit for calculating a correlation among said plurality of risk factors based on said statistical data read out from said database; wherein: said ratio calculation unit calculates a ratio between said first compensation amount and said second compensation amount using said probability calculated by said first probability calculation unit and said correlation calculated by said correlation calculation unit (col. 14, lines 9-15).

Claims 4 and 12. A compensation contract supporting system, further comprising: a second probability calculation unit for calculating a probability in which said first condition, which is to be a base for calculating said first compensation amount, and said second condition, which is to be a base for calculating said second compensation amount, are satisfied at the same time; wherein: said ratio calculation unit calculates said ratio further using said probability calculated by said second probability calculation unit (col. 14, line 1-co1.15, line 17).

Claims 5 and 13. A compensation contract supporting system, further comprising: an amount acquiring unit for acquiring any two of said first compensation amount, said second compensation amount, and a prepaid amount, which are requested by said customer, said prepaid amount being an amount to be previously received from said customer or to be previously paid to said customer to cover a

difference between a risk created by said first compensation amount and a risk created by said second compensation amount; and an amount calculation unit for calculating remaining one of said first compensation amount, said second compensation amount, and said prepaid amount using said any two of said first compensation amount, said second compensation amount, and said prepaid amount acquired by said amount acquiring unit, and said ratio calculated by said ratio calculation unit (col. 16, lines 8-38).

Claims 6 and 14. A compensation contract supporting system, further comprising: a contract database for storing data related to said compensation, which is provided to said customer by the compensation contract supporting system; and a risk calculation unit for calculating a payment, amount-risk involved in a contract, which is concluded via said compensation contract supporting system, using a present value of said risk factors and said contract database (col. 11, lines 1-62).

Claims 7 and 15. A compensation contract supporting system, further comprising: a contract database for storing data related to said compensation, which is provided to said customer by the compensation contract supporting system (col. 11, lines 39-62); and a risk calculation unit for calculating a payment-amount-risk created by the compensation provided to said customer by the compensation contract supporting system using said contract database and said first condition or said second condition of said risk factors (col. 12, lines 6-58); wherein: said ratio calculation unit calculates said ratio using said payment-amount-risk calculated by said risk calculation unit (col. 13, lines 8-51).

Claims 8 and 16. A compensation contract supporting system as claimed in claim 1, further comprising a risk factor acquiring unit which acquires information related to said customer from said customer, acquires said risk factors from said database, calculates a correlation between said information and said risk factors, selects the risk factors, an absolute value of said correlation of which is greater than a predetermined value, and outputs said selected risk factors to said first probability calculation unit (col. 12, lines 25-58 and col. 14, lines 9-59).

Conclusion

7. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (571)-272-6705. The examiner can normally be reached on Monday – Thursday from 10:00 AM to

Art Unit: 3694

7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (571) 272-6712.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The fax phone number for the organization where this application or proceedings is assigned are as follows:

(571) 273-8300 (Official Communications; including After Final
Communications labeled "BOX AF")

(571) 273-6705 (Draft Communications)

/Mary Cheung/
Primary Examiner, Art Unit 3694
February 29, 2008